

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

TRIAD FINANCIAL SERVICES, INC.,

Plaintiff,

v.

CIVIL ACTION NO. 2:08-cv-00823

LEAH D. GRIFFITH, et al.,

Defendants.

MEMORANDUM OPINION & ORDER

Several motions remain pending before the court. On May 5, 2010, Triad Financial Services (“Triad”) and the defendants Leah D. Griffith and Kevin M. Stavnicky (jointly, “the Parties”) submitted a Joint Motion Requesting Relief [Docket 133] from this court’s Order dismissing Triad [Docket 118] while a Joint Motion for Entry of Consent Judgment and proposed consent judgment order were pending before the court. The Parties requested that the court: (1) reinstate Triad as a party litigant for the sole purpose of and to the extent required for the court to consider the Parties’ Joint Motion for Entry of Consent Judgment; (2) upon a determination that said Motion is proper, enter the proposed Consent Judgment Order filed with said Motion; and, (3) thereafter enter an order dismissing with prejudice the claims and counterclaims the Parties made against each other in this litigation. By clerical error, this court dismissed with prejudice the claims and counterclaims that the Parties made against each other in this litigation [Docket 134], but did not grant the other requested relief.

The court hereby amends its May 6, 2010 Order of Dismissal [Docket 134]. The Joint Motion Requesting Relief [Docket 133] is **GRANTED**. The Parties are hereby reinstated in this matter as party litigants for the sole purpose of, and only to the extent required for this court to, exercise its jurisdiction and rule on the Parties' Joint Motion for Entry of Consent Judgment [Docket 84]. The Joint Motion for Entry of Consent Judgment [Docket 84] is hereby **GRANTED**. This Order having been entered, the court **ORDERS** that the claims made against Leah D. Griffith and Kevin Stavnicky by Triad Financial Services, Inc., and the counterclaims made by Leah D. Griffith and Kevin Stavnicky against Triad Financial Services, Inc., are hereby and forever **dismissed with prejudice**, with each of the parties responsible for its own costs and fees incurred in prosecuting and/or defending against the claims of the other. The Joint Motion for an Order Permitting the Repossession and Sale by Triad Financial Services of defendants' house [Docket 83] is **DENIED** as moot.

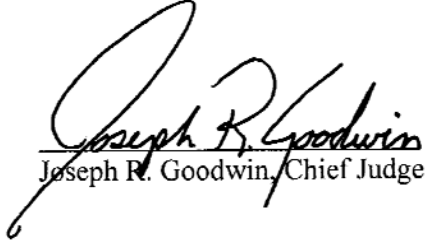
Also **DENIED** as moot are the Motion by Chapmanville Home Place, Inc. to Continue Trial Date [Docket 85] and the Motion by Leah D. Griffith and Kevin M. Stavnicky to Continue Trial and Modify Order Entered May 26, 2009 [Docket 92].

The Motion by Lean D. Griffith and Kevin M. Stavnicky for Leave to File a Second Amended Third-Party Complaint [91] is unopposed. This motion is **GRANTED**.

Finding good cause, the court also **GRANTS** the Motion by Chapmanville Home Place to Dismiss the Consumer Credit and Protection Act Claim [Docket 102]. Thus, Count V of the Second Amended Third-Party Complaint is **DISMISSED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 24, 2010


Joseph R. Goodwin, Chief Judge